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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,919	05/24/2001	Andrew V. Anderson	42390.P9765	4902

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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/12/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/865,919

Applicant(s)

ANDERSON ET AL.

Examiner

Bunjob Jaroenchonwanit

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/24/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment has been entered and reviewed, the objections and rejections cited are as stated below.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features as amended to claims 1, 14 and 26 must be shown in the drawings or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1, lines 3-4 and claim 14, line 4, recite "the user", there is insufficient antecedent basis for this limitation of the claims.

6. Claim 1, line 6 and claim 14, line 7, recite "the group", there is insufficient antecedent basis for this limitation of the claims.

7. Claim 1, is indefinite, it is not clear whether "the group" in line 17 is the same group as the group recited in line 6. Since, member of both groups are not the same. If applicant's intent is different groups, they should be distinguished by preceding with ordering term such as "first", "second" or the like.

8. Claims 1 and 14, are indefinite because "the group" in claim 1, line 17; claim 14, lines 7 and 17 recite relative term "or". It is not clear whether members of "the group" are intended for

Art Unit: 2143

both user and user's designee, or only the user's designee or only the user. The body of claims recites transitional phrase "consist of", which renders a close-ended claims exclude any element, step or ingredient not specified in the claims. Thus using "or" term with "consisting of" would also renders the claim indefinite (see MPEP 2111.03).

For examination purpose, examiner interpret the group consist of the user.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

10. Claims 1, 3-14, 16-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al (US.2003/0046421).

11. As to claims 1, 14 and 26, Horvitz discloses a method and computer readable comprising instructions, which when executable be a processor, causes the processor to:

receive information of an event, (Fig. 1, Fig. 27);

determine whether or not the event is of enough importance to a user to contact a first person concerning the event (paragraphs 9, 11, 14-15, 65);

select a first person to contact from a group consisting of user, select a first way to contact the first person, attempting to contact the first person using the first way, and waiting for a period of time for the first person to respond (paragraphs 74-75, 83);

Furthermore, Horvitz discloses the system included a forward mechanism that allows users to facilitate messages redirecting, regardless of how to, where to, when ever and/or any desirable condition that the users prefer to be contacted. In addition, the system includes input field for designating whomever, the message should be delivered thereto. Furthermore, the system allows its' users to set priority and time interval and to specify communication devices,

Art Unit: 2143

for redirecting. Moreover, throughout the teaching, Horvitz suggests the system is not so rigid, it is flexible, adaptable by merely including specific parameters in users' profile, one can modify system operations as desired. Hence, upon reading Horvitz, an ordinary skilled in the art could make minor modifications to create a system that capable of designating any number of persons to be contacted in any conditions (Fig. 23-25, 27; paragraphs 73-75, 83, 88, 101-107, 113-115).

Thus, implementing such system, which readily included mechanisms capable of communicate with the users via various communication means for contacting a secondary group of persons, such as secretaries, co-workers, friends, or family members, whoever conventionally were assigned to carry on predefined tasks in case the users were unavailable, would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a variation of system utilities, which depended on desirable conditions.

12. As to claim 1, in addition to claim 14 rejection, above, Horvitz, further, discloses a group consisting of the user and someone designated by the user as being permitted to take action in response to the event on the behalf of the user, selecting a first way to contact the first person, attempting to contact the first person using the first way, and waiting for a period of time for the first person to respond (paragraphs 74-75, 83);

13. As to claim 26, in addition to claim 1 rejection, above, Horvitz further discloses receiving information concerning at least one activity in a user's schedule, a first way to contact a first person selected by the user, at least one preference of the first person for how the first person is to be contacted, and at least one requirement of the first person (user profile, alternate message routing, assigning other person e-mail or designating other person, paragraphs 9, 11, 14-15, 65, 68, 74-75, 83, 107; Fig. 24). Further, Horvitz discloses subject of the event to a list of subjects

Art Unit: 2143

of interest as receiving information and using the information for point of contact determination (paragraphs 12, 17, 75, 79, 236-237, 262, 270, claims 2 and 38).

14. As to claims 3 and 16, Horvitz discloses the message filtering and priority setting base on subject (paragraphs 100, 111, 219).

15. As to claims 4, 10, 17 and 23, Horvitz comparing the timing of the event to activities in which the user is engaged or will be engaged listed in a calendar, i.e., comparing event schedule (paragraphs 12, 17, 75, 79, 236-237, 262, 270, claims 9 and 39).

16. As to claims 5, 7, 18, 20, 31 and 32, Horvitz discloses determining whether importance comprises referring to information concerning the user's preferences, profile; determining appropriate actions should be carry on without contact the designator, e.g., other people can be designated by a user to take actions, restriction by calendar, preventing message by specifying do not disturb in the profile or preference files (paragraphs 10, 70 and 79).

17. As to claims 8, 9, 21 and 22, Horvitz discloses selecting the first way to contact the first person and determining whether or not there is a second way to contact the first person that is acceptable comprises referring to information concerning the first person's preferences for when and how the first person would prefer to be contacted (user-profile facilitates how and when to deliver message, paragraph 68).

18. As to claims 13 and 25, Horvitz discloses group of communication means consisting of a landline telephone, a mobile telephone, a text-enabled mobile phone, a pager, a text-enabled pager, a computer system capable of conveying text messages, a computer system capable of conveying audio messages and a computer system capable of conveying video messages (Fig. 41).

Art Unit: 2143

19. As to claims 6 and 19, Horvitz discloses the invention substantially, as claimed, as described, in claims 1 and 5 above, but does not explicitly include a rule that prohibit other person to take action without contact designator. However, using a system which is capable of: determining level of importance messages; designating other persons for taking appropriate actions; designating a second, third and so forth, devices for receiving messages; and setting off an event restriction, in users preference, would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a matter of design choice, which depended on applications' requirement. Because, in reality, messages and taking-actions have different preferable degrees, for instances, some may require privacy response, or some may require urgency response while the other may require confirmation response, thus specifying actions to be taken in users' preference would make system more intelligent, flexible and capable of performing most of desirable utilities.

20. As to claim 11, Horvitz discloses referring to information exceptions to those rules (user-profile allow user to exclude message to be delivered, Horvitz, Fig. 14-16).

21. As to claims 12, 24 and 27, Horvitz discloses the invention substantially, as claimed, including the feature that allowed users to designate persons and/or communication devices, as described, in claims 1, 14 and 26 above. Horvitz does not explicitly disclose selecting a person from a specific group of users, such as, a family member of the user, a friend of the user, an employee of the user, and a coworker of the user.

However, using a system that readily had selecting or assigning devices or persons to be contacted as taught by Horvitz to select or designate a person from any groups of users, using specific communication devices, as claimed therein, would have been obvious to one ordinary

Art Unit: 2143

skill in the art at the time of the invention was made that was a matter of design choice, which one may desire to enhance system utilities. Because selecting persons from groups of users to be contacted is merely a matter of assigning communication devices to the persons, which is conventional and transparent to the system.

22. As to claims 28 and 30, Horvitz discloses selecting the first way to contact the first person and determining whether or not there is a second way to contact the first person that is acceptable comprises referring to information concerning the first person's preferences for when and how the first person would prefer to be contacted (user-profile facilitates how and when to deliver message, Horvitz paragraph 68).

23. As to claim 29, Horvitz discloses group of communication means consisting of a landline telephone, a mobile telephone, a text-enabled mobile phone, a pager, a text-enabled pager, a computer system capable of conveying text messages, a computer system capable of conveying audio messages and a computer system capable of conveying video messages (Horvitz, fig 41).

24. Applicant's arguments filed 9/30/03, have been considered but moot in view of the new grounds of rejection.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2143


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

/bj
11/10/03



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER